

The Honorable Lauren King

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,
Plaintiff

v.

JOHN ERIN BINNS,
Defendant.

NO. CR22-004 LK

MOTION FOR LIMITED UNSEALING
OF SUPERSEDING INDICTMENT AND
ARREST WARRANT

Filed Under Seal

The United States respectfully requests that the Court issue the proposed Order, which would permit the government to provide the Superseding Indictment and arrest warrant to the Republic of Turkey's Ministry of the Interior. As explained below, this step would aid efforts to extradite the defendant, JOHN ERIN BINNS, who is a fugitive presently residing in Turkey.

BACKGROUND

In or around August 2021, T-Mobile US, Inc. ("T-Mobile"), a telecommunications company and wireless network operator headquartered in this District, publicly confirmed that a network intrusion and data breach had compromised sensitive information of approximately 48 million individuals. Within days of the unauthorized

1 | exfiltration, the stolen T-Mobile data was offered for sale on an online forum frequented
2 | by cybercriminals and subsequently sold.

3 | On March 9, 2022, a Grand Jury sitting in this District returned a Superseding
4 | Indictment, under seal, charging BINNS with 12 felony counts related to the hack of T-
5 | Mobile and theft and sale of sensitive files and information. An arrest warrant was
6 | issued, which also remains under seal.

7 | As part of efforts to apprehend BINNS, the United States submitted an extradition
8 | request to Turkey. BINNS is a U.S. citizen who committed the instant offenses while
9 | abroad. He is presently a fugitive residing in Turkey.

10 | Approximately three months ago, the Turkish Ministry of Justice (“MOJ”) notified
11 | the United States that it had determined BINNS was not a Turkish citizen and therefore
12 | eligible for extradition to the United States. MOJ further advised that BINNS’ extradition
13 | case had been referred to a court in Turkey.

14 | A couple weeks ago, BINNS’ first extradition hearing was held. Unfortunately, the
15 | Turkish court postponed his extradition proceedings until mid-January 2024 because
16 | BINNS recently applied for Turkish citizenship based on ancestry. In his application,
17 | BINNS claimed that his mother is a Turkish citizen. The Turkish Ministry of the Interior
18 | (“MOI”) is responsible for deciding this application.

19 | According to Turkish officials, Turkish citizenship is not automatically granted
20 | based on ancestry. Rather, MOI examines various factors, including an applicant’s
21 | criminal history and any pending criminal charges. Consequently, the United States
22 | would like to provide MOI with a copy of the Superseding Indictment and arrest warrant
23 | in this case. That way, MOI has all relevant facts before deciding BINNS’ Turkish
24 | citizenship application.

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THE PROPOSED ORDER

By Order dated January 19, 2022, the Court authorized limited disclosure of the charging documents and arrest warrants. Dkt. 6. This existing order, however, is ambiguous as to whether the United States may provide the sealed documents to MOI. *Id.* In relevant part, this 2022 Order permits the United States to share charging documents and arrest warrants with “foreign police and prosecuting authorities, and foreign courts” for the “limited purpose” of “facilitating arrest, extradition, and other law enforcement actions, including searches and interviews.” *Id.*

Out of an abundance of caution, the United States seeks clarification that these sealed documents may be provided to foreign officials making immigration determinations that have a bearing on efforts to extradite BINNS. Consequently, proposed Order explicitly states that the United States may provide the Superseding Indictment and arrest warrant to MOI. As discussed above, extradition efforts have been halted pending adjudication of BINNS’ immigration status in Turkey.

DATED this 8th day of December, 2023.

Respectfully submitted,

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